

Tennessee Department of Health
Division of Emergency Medical Services
Regulatory Board
December 8, 2004
Board Meeting

APPROVED

3/23/05

Joe Phillips, EMS Director, called the December Board Meeting to order in the Cumberland Room, Cordell Hull Building, 425 Fifth Avenue North in Nashville, Tennessee. The roll was called.

Dr. Charles Alderson	present
David Baxter	present
Susan Earl	present
Darren Ellenburg	present
Larry Griffin	present
Robert Byrd	present
Mark King	absent
Don Mosby	present
Dr. Steve White	present
Ken Wilkerson	present
Jackie Wilkerson	present

Mr. Phillips introduced the new appointments to the EMS Board; re-appointment of Dr. Charles Alderson; Chief David Baxter, Murfreesboro, Tennessee Fire Department; Robert Byrd, Director, Anderson County EMS; Jackie Wilkerson, Director of Robertson County EMS, who also serves as the EMA Director.

Mr. Grady Scott has retired; therefore, another hospital administrator and another physician's appointments will be forthcoming.

Mr. Phillips also introduced the Board's advisory attorney, Ernie Sykes. Mr. Sykes reviewed the Department of Health's Conflict of Interest Policy.

Mr. Phillips called for nominations for the Interment Chairman. Don Mosby nominated Darren Ellenburg. Ken Wilkerson nominated Mayor Larry Griffin. Mayor Griffin, having served as a previous Board Chair, withdrew his name from nominations. Mr. Phillips called for further nominations. Ken Wilkerson called for nominations to cease. Mr. Phillips called the roll as follows:

Dr. Alderson	yes
Chief Baxter	yes
Susan Earl	yes
Darren Ellenburg	yes
Robert Byrd	yes
Mayor Griffin	yes

Mark King	absent
Don Mosby	yes
Dr. White	yes
Ken Wilkerson	yes
Jackie Wilkerson	yes

With the unanimous vote, Darren Ellenburg was voted the interment chair. He will serve in this position until the two positions are appointed. Upon those appointments, the full board membership of thirteen (13) members will elect the permanent chair.

Chairman Ellenburg called for the first item of business; the approval of September 2004 Board Minutes. Ken Wilkerson moved to accept the minutes as presented; second by Mayor Griffin. By a voice vote, the motion passed. No one was opposed.

Chairman Ellenburg called for the representatives from TNPAP. Mr. Phillips gave a history of the Board's interest in the "Tennessee Professional Assistance Program" for the EMS providers. A committee was previously appointed to determine the needs of the EMS community, and how best TNPAP could assist the needs. The committee conducted a teleconference with TNPAP and an agreement was reached.

TNPAP representatives present were Executive Director Mike Harkreader; Tom House, the national compliance consultant, and Elaine Eaton, the administrative director of TNPAP. Mr. Harkreader gave a brief history of the organization's development, called at that time the Tennessee Nurse Peer Assistance Program. The organization now services several professional boards, serving as an alternative to board ordered discipline for people who are in violation of their practice act. After a contract is reached, the organization will monitor anyone the board sends to the program. The participant is responsible for the cost of the initial evaluation, any treatment and drug screens. Drug screens are conducted randomly to monitor sobriety. Many participants attend supports groups. The organization will also communicate directly with the participant's supervisor concerning their work performance.

The first quote for the one year trial period had been \$12,000. Ken Wilkerson asked about the fees after the first year trial period. The \$60,000 regular price for one year covers all monitoring by a case manager. A participant may self-refer themselves or an employer can refer the participant. If the violation is brought to the Board's attention, the Board can refer the person. Relatives/friends can contact the organization with their concerns of an individual. The person is sent a letter asking for their cooperation in an evaluation. The process starts with the initial evaluation. This evaluation will give the level of rehabilitate needed.

Mr. Phillips asked Mr. Sykes about the amending of the “Unethical Conduct” rules. Mr. Sykes said the distinction would be between an investigation and a self-referral to TNPAP; a self-referral would not be reported to the Board, unless it was job related and the problem was discovered by management. Then, under the current rules, a report would have to be filed with EMS Division, and try to refer the person to TNPAP.

If an investigation concludes the person is working under the influence, but the individual has signed an agreement and gone for treatment, prosecution for the violation would not go forward until the outcome of the treatment was known. Many decisions would have to be on a case-by-case basis. Mr. Phillips added the decision would be made by the EMS Office, the board consultant, and OGC, and would depend on the timeline of the individual’s recovery.

Ken Wilkerson asked about the individual’s practicing upon discovery. Mr. Harkreader stated they do ask for the individual not to practice until they are evaluated. If the individual refuses to participate, the Board is notified immediately. Mr. Harkreader recommended presentations throughout the state to make providers aware of the program and what is involved.

Dr. White asked about the list of drugs which would be tested. Mr. House stated they had the ability to test for 122 different drugs. The costs for the tests will depend on the drug request.

Chairman Ellenburg opened the floor for a motion; Ken Wilkerson moved “to accept the proposal with a start-up date to be determined, and have a one year trial basis, and see how it goes from there”. The motion was seconded by Jackie Wilkerson. During discussion, Ken Wilkerson asked Mr. Harkreader for a six month report for the Board to review. Mr. Harkreader said he would be attending the board meetings and would provide a report of information the board wanted.

Dr. White wanted to go on the record commending the committee members and Mr. Phillips for implementing the program and what an important step, he thought, this was for the Board.

Chairman Ellenburg called for the vote.

Dr. Alderson	yes
Chief Baxter	yes
David Byrd	yes
Susan Earl	yes
Mayor Griffin	yes
Don Mosby	yes
Dr. White	yes
Jackie Wilkerson	yes
Ken Wilkerson	yes

Chairman Ellenburg voted yes. The motion carried unanimously.

Mr. Harkreader said they could also go to the schools for presentations. A presentation for Vol State Community College was presently being prepared.

RULEMAKING

Richard Land distributed copies of the rulemaking notice announcing the rulemaking hearing on modification of ambulance service report/records to implement the new patient care reporting system, making it consistent with HIPAA and other requirements.

Action taken by Health Care Facilities would improve issues address in Paragraph (c) of the rule, 1200-12-1-.15.

Paragraph (a), the reference to the name of the patient, because of HIPAA requirements, must be taken out; however, there is still an issue about names which should be public record. The change would allow the ambulance systems to use their own digression under certain circumstances.

The Section (b) change is to implement the ambulance run reporting or patient care report system. The reporting system is being tested with hopes to be in production by the end of 2005.

Paragraph (c) is to implement the hospital run report information. A page of board approved information for this report had also been distributed. The development of a new DNR form called a "Physician Orders for Scope of Treatment" or "POST" form is being reviewed. This new form will replace the current DNR form.

Ms. Judy Eads, Assistant Commissioner for the Department of Health, spoke to the development of the POST form in accordance to the Health Care Decisions Act Law. The "Living Will" terminology is to be replaced by the "Advanced Care Plan". The POST form would be the new "do-not-resuscitate" form. The Department and committee have added language and description. The form is like a checklist for physicians to discuss with their patients their options of care, and any advance care they may want. The form will be used in hospitals with copies given to entities, such as, nursing homes. The attending physician completes the form, with the patient or patient's agent, signing for authorization.

The rulemaking hearing for the form will be held January 21, 2005 by the Health Care Facilities, with results proceeding to the HCF Board in February for their approval. The form will then come back to the EMS Board.

Ms. Eads reported fourteen other STATES have already adopted the POST form, with hopes for the form to be standardized for all states.

Richard Land informed the Board of the repeal by the General Assembly, under the Tennessee Health Care Decisions Act, of the existing DNR form (statue). Mr. Sykes added that Health Care Facilities had voted to keep the current DNR form until its replacement is finalized and approved.

Ms. Eads said the repeal does not affect what people already have in place for their order and/or living wills.

Mr. Sykes explained to the new board members the process and procedures of rulemaking.

Mayor Larry Griffin made the motion for the proposed changes to go to rulemaking; seconded by Ken Wilkerson. A roll call vote was taken.

Dr. Alderson	yes
Chief Baxter	yes
David Byrd	yes
Susan Earl	yes
Mayor Griffin	yes
Don Mosby	yes
Dr. White	yes
Ken Wilkerson	yes
Jackie Wilkerson	yes
Chairman Ellenburg	yes

MOTION CARRIED

A 10 minute break was called.

After the break, Ms. Elisha Hodge, Office of General Council (OGC), presented the following Letter of Reprimand and Agreed Orders.

JOHN ANTHONY DAVIS, EMT-P WHEELERSBURG, OHIO

Ms. Hodge distributed copies of the Reprimand Letter to the Board members. After questions from the Board, Chairman Ellenburg entertained a motion to accept or deny.

Chief Baxter moved to accept the reprimand; seconded by Susan Earl. By a roll call vote, the motion passed unanimously.

IN THE MATTER OF:

**JIMMY KEE, EMT-P
HOLLOW ROCK, TENNESSEE**

Ms. Hodge presented the Agreed Order for Jimmy Kee to the Board. After review of the documents, Dr. White made the motion to accept the Agreed Order as presented. Don Mosby gave the second on the motion. Chairman Ellenburg called for the vote by roll call. All members voted yes; no one was opposed or abstained. MOTION CARRIED.

IN THE MATTER OF:

**WILLIAM T. VAN NORSTRAN, EMT
KNOXVILLE, TENNESSEE**

After investigation, the Respondent meets with the EMS Screening Panel. The results are published in the Agreed Order of Suspension/Probation. Mr. Ernie Sykes, Advisory Attorney, presented this document to the board members.

After review of this document and questions by the Board, Susan Earl moved to accept as presented; seconded by Ken Wilkerson. Again, a roll call vote was taken. The motion passed unanimously for a six-month suspension and two year probation. The suspension shall begin on the date that the Order is signed.

CLINICAL ISSUES COMMITTEE

Dr. Joe Holley, State EMS Medical Director, and chairman of the Clinical Issues Committee was called forward for his report on the committee's activities.

A sample of a King LT airway device was presented to the Board. The Board had approved this device; however, the device was presented to the COPEC committee, and they did not approve its use for children.

Clinical Issues also evaluated another IO device called Vitacare. This device was approved by the committee. Dr. Holley had a sample of this device and passed it around for the board members to look at.

The committee also reviewed a different link-based pediatric drug tape. The tape doesn't cost as much as is an appropriate alternative to the Braslow tape.

The medical director of the Nashville Fire Department asked the committee for approval for Nashville Fire EMTs to use glucometers, which are part of the EMT-IV curriculum. The Fire Department wanted to give the older EMT firefighter another tool in patient care. However, these firefighters were not interested in

upgrading their skills as far as another licensure level. Dr. Holley reported the committee did not have a problem with the firefighters acquiring this extra skill, and therefore, made the recommendation to the Board.

Dr. Holley announced the EMS Medical Directors Conference in February at Gatlinburg, Tennessee. Conference brochures were being mailed.

Questions were asked of Dr. Holley concerning the EMT glucometer issue. Dr. Holley. Although the original request was from the Nashville Fire Department for their EMTs, the committee agreed allowing EMTs to be trained and use the glucometer would be beneficial to the patient and to the paramedic. The EMTs would have to meet the same standards as the EMT-IV/Paramedic. Donna Tidwell added “especially in the rural areas, the glucose could be checked by the EMT while the paramedic was starting an IV.”

Chairman Ellenburg asked Dr. Holley about the IO device. Dr. Holley said the device was expensive, met the FDA standards, but seemed to be an over technological device to stick a needle into a bone. After some discussion, Jackie Wilkerson made the motion to accept the IO drill device; seconded by Ken Wilkerson. A friendly amendment added “for adults only”.

Chairman Ellenburg called for a roll call vote.

Dr. Alderson	no
Chief Baxter	no
Robert Byrd	no
Susan Earl	no
Mayor Griffin	no
Don Mosby	no
Dr. White	abstain
Jackie Wilkerson	no
Ken Wilkerson	no
Chairman Ellenburg	no

MOTION FAILED TO APPROVE THE DEVICE

Larry Griffin moved to approve the pediatric tape (similar to the Braslow tape) as an approved device in Tennessee; seconded by Susan Earl. A voice vote was taken; all members voted yes. There was not anyone opposed.

MOTION CARRIED

Dr. Holley had one more recommendation from the committee; to put the “word out” concerning back boards. They want to emphasize the use of padding on the spine immobilization devices to maintain immobilization and safety of the patient

but also for patient comfort. Dr. Holley said he could put this suggestion into a newsletter to medical directors of the ambulance services.

Chairman Ellenburg brought forward the issue of the EMTs using a glucometer upon the approval of their medical director, who would also approve the training included in the protocol. After discussion of the calibration of the device used, Dr. White moved to allow EMT basics to use a glucometer with the appropriate training and approval of their local medical director; seconded by Chief Baxter.

A roll call vote was taken.

Dr. Alderson	yes
Chief Baxter	yes
Robert Byrd	yes
Susan Earl	yes
Mayor Griffin	yes
Don Mosby	yes
Dr. White	yes
Jackie Wilkerson	yes
Ken Wilkerson	yes
Chairman Ellenburg	yes

MOTION PASSED FOR THIS BOARD POLICY STATEMENT

COMMITTEE ON PEDIATRIC EMERGENCY CARE

Joe Phillips, EMS Director, gave a brief history of the implantation of this committee, which was created by legislature to improve emergency care for the pediatric patients of Tennessee. At present, the committee is re-organizing with new committees and sub-committees. Dr. Mick Carr, an East Tennessee Children's Hospital physician, is the current chairman. Ms. Rhonda Philippi is serving as a full-time EMSC project coordinator. The EMSC project is funded by a federal grant, administratively supported by the EMS Central office, and sub-contracted to Vanderbilt for management of the statewide project.

The committee reports to both EMS Board and the Board for Health Care Facilities. A report should be ready by the March 2005 EMS Board Meeting.

TRAUMA CARE ADVISORY COUNCIL

Mr. Phillips reported on the approval of the Tennessee Trauma Care System Plan. This committee also reports jointly to the Board of Health Care Facilities and the EMS Board. A state trauma registry, for trauma patient data, is being implemented. The chair position is the Chair of the State Committee on Trauma. Past Board Member, Dr. Donald Barker was serving in the position, but the position will now be occupied by Dr. Julie Dunn from Johnson City, Tennessee.

EDUCATION COMMITTEE

Donna Tidwell reported the Education Committee met at 1:00 P.M. on December 7, 2004, in the Mid-Cumberland Regional Office. There were twenty members and three visitors present for the meeting.

ACCREDITATION

Chairman Tom Coley reported the subcommittee had completed the EMT changes in the rules and regulations on the EMT Program. Work was continuing on the paramedic program.

Ms. Tidwell explained to the new board members the purpose of this subcommittee was to study the rules and regulations for EMT/Paramedic programs, and bring them up-to-date to current standards.

NATIONAL REGISTRY REVIEW

The Board had asked the Education Committee to look at the National Registry certification exam and look for another entity to write a certification exam (other than the Registry).

Glenn Faught, chairman, reported to the committee a company was found but declined to continue efforts to implement another exam.

In talking to other states, three other companies have been located for possible participation. These three companies have entered into a bid process with National Registry to do the electronic testing and felt it would be a conflict of interest to discuss a proposal until the bid for the National Registry electronic testing had been awarded.

Chairman Faught was given another name which he is contacting for a possible meeting with the subcommittee.

This subcommittee consists of educators, ambulance service directors and other well-informed education persons, all having concerns about the certification exam issue.

CRITICAL CARE PARAMEDIC

This subcommittee met on November 30, 2004 with 12 members present. The meeting was held at the Mid-Cumberland Regional Office.

The subcommittee has identified all the modules for the course. They are three different courses the subcommittee will establish a set of objectives for the modules.

The schools will be able to create their own program based on the selected objectives.

After the curriculum and the certifying exam are established, the committee will submit the whole program to the Board for approval and for it to go to rulemaking.

Ms. Tidwell addressed the “grandfather issue”. Persons that already had required training, within a given time period, could be receive credit toward their certification. However, there is still much discussion in committee on the best method to “grandfather” personnel in.

AIR AMBULANCE COMMITTEE

Richard Land reported the committee was convened by teleconference on November 23, 2004.

In June 2002, Dr. Donald Barker, former chairman of the committee (and board member), had directed a submission of an 85 page document for rule revision. The document was submitted to the Office of General Council; however, the current committee needs to meet to prioritize the objectives of this document. There is concern about the proliferation of private air ambulance operations in the state that do not have any hospital association. There are thirteen Tennessee licensed helicopters operating in the state, and other issues need to be addressed, such as air ambulance crew persons.

Mr. Land asked that a board member representative be present at the next Air Ambulance committee meeting. The meeting will coincide with the TASA Midwinter Conference in Gatlinburg, Tennessee.

The committee requested the Board on record to continue the Air Ambulance Committee as a standing committee of the EMS Board. Chairman Ellenburg said the Board still recognized the committee as a standing committee.

Chairman Ellenburg announced Ken Wilkerson would serve as an interim board representative and would attend the meeting in Gatlinburg.

LUNCH BREAK WAS CALLED.

STAFF REPORTS

JOE PHILLIPS, DIRECTOR

Bioterrorism Response

Donna Tidwell showed parts of the Bioterrorism CD. This CD is being distributed to training coordinators, ambulance services, and schools. Ms. Tidwell reported on the content of the CD; i.e. Category A and B, Syndromic surveillance, SARS, critical assist risk management, and contact information for emergency coordinators.

Training coordinators of the ambulance services will verify the evaluation and be able to sign off on the CD certificate to verify CEUs for license renewal.

The company that produced the Bioterrorism CD will publish a CD next year on incendiary devices and mass casualty.

DONNA TIDWELL, DIRECTOR, PERSONNEL LICENSURE

Education and Personnel Training

See bioterrorism response above

Run Data Reporting System

The program is in beta testing. Thirty two services and regional consultants are participating. The site will be active until December 14, 2004. A mailing will be going to the ambulance service directors containing their pass codes. The service director will then set up their own users. After users are selected, they can go into the system between December 17 thru December 31 and test data.

January 4, 2005 is the target date for the receipt of real data from the services. After several phases of completion, the hope is for the service server to automatically download to the State server with the entry of just pass codes.

For services that will use a "third party" vendor, those services will not be found "noncompliant" in January. After the State server is active, services will need to download data every thirty (30) days. The programmers hope to have everything online by the end of January.

RICHARD LAND, DIRECTOR, AMBULANCE SERVICE LICENSURE/REGULATIONS

Ambulance Service Licensure

Mr. Phillips reported, due to legislative changes, the renewal cycle for ambulance services will run from June 30 to June 30 (fiscal year). The current 2004 licenses will extend to June 2005. Updated service licenses and permits (expiring June 30, 2005) have been sent to the ambulance services. New vehicle permits will have the June 30, 2005 expiration. Upon renewal in July, the period will return to a twelve month renewal cycle; i.e. June 30, 2005 through June 30, 2006.

The new run data reporting will also be used for ambulance service directors to see their inspections and audits, plus add new vehicles.

Mark 1 Trainers

Donna Tidwell reported the MARK 1 trainers are being delivered to the consultants for distribution to the services. One trainer per service, then six MARK1 kits will be given to each ambulance in the service for use by their EMS personnel.

STATE AND EMS COMMUNICATIONS

The state EMS communications are in discussions on implementation and rebanding of 800 megahertz radio systems. The systems, by order of the FCC, will have to have band shifts and be reprogrammed. The communication plan is committed to VHF highband due to its' efficiency across the state. The decision to waive approval of the EMS communication plan until the State interoperability plan for state agencies has been approved has proven to be beneficial.

Under the bioterrorism program, the VHF hospital-based stations are allowed to use these funds to upgrade their radio capability. Specifications and cost estimates are being received from three manufacturers; Motorola, Kenwood and Macon.

Another issue concerning communications is the interoperability among State agencies such as TEMA and the Department of Safety, Highway Patrol. Agencies such as Department of Correction, Forestry, and AND TWRA do not have statewide systems but are looking at implementing such a system.

In a meeting with TDOT and other state agencies, consideration for a statewide microwave link was discussed. A new format of the 4.9 gigahertz was recognized as a possibility with the microwave system.

Richard Land, a member of APCO (Association of Public Safety Communications Officials), attended the regional planning meeting on December 7, 2004. The interoperability plans were reviewed. Standardizing the plan throughout the Emergency Management Agency, 911 centers and dispatch centers was highly recommended.

TEMA has now been assigned the role of coordinating the state agency communications. Previously this had been assigned to Homeland Security.

The committee is also looking at ways to utilize UHF frequencies for the EMS suburban areas.

RURAL AED GRANT PROJECT

Mr. Land reported that 491 AEDs have been distributed the last two years.

Access CardioSystems issued a recall of 9,580 out of 11,000 produced devices and ceased business. A performance bond had been recommended to the Department of General Services/State Purchasing, which did not implement that clause. The Division was notified by the Federal Office of Rural Health that the continuation grant funds could be used to purchase replacement devices. The priority will be the last round of distribution. Other devices are now a year old and revert back to the local level of control.

Overall, even with the recall, the program has trained many people in sheriffs' departments and law enforcement in CPR, that otherwise would not have been trained.

NEW BUSINESS

Ambulance Diversion

A conference will be held in Nashville on January 20, 2005 on the issue of hospitals diverting ambulances. Dr. Joe Holley and Ken Wilkerson will be the speakers. Ambulance services, hospitals and emergency physicians are invited. Urban parts of the state are very important to the input of the conference.

Suzanne Horton, from Baptist Hospital in Memphis, and Mike Lambert from Memphis Fire Department will be presenting information on the Memphis situation a few years ago.

Donna Tidwell and Richard Land will provide run report information and problems addressed in the solutions of the Memphis situation.

Ken Wilkerson, a director from Hamilton County EMS, will provide reports on the code stemming project active in the Hamilton County/Chattanooga area.

Recognition of Former Board Members

This was postponed until the March 2005 due to the expected appointments of two more board members.

2005 Meeting Dates

March 23 & 24; June 22 & 23; September 14 & 15; and November 30 & December 1.

Screening Panel

The purpose of the screening panel (alternative dispute resolution process) is to negotiate informal settlements. A screening panel committee will be meeting in January or February to review several cases. The panel has consisted of a current board member and two former board members. This sitting of the panel may be change to all former board members.

Clarification Regarding Public Records

A question was asked concerning the board's entitlement to information of a previous charge of a Respondent. Advisory counsel, Ernie Sykes, replied it would depend on the state and their law governing public records.

Annual In-Service

Donna Tidwell asked about review of the rules on the annual in-service recorded on the ambulance services audits. This will be sunshined for the March meeting and brought back to the Board for consideration.

In closing, Richard Land asked for the new board members to attend a board orientation on March 22 or 23. Current board members are also invited.

A motion to adjourn was made by Mayor Larry Griffin; seconded by Ken Wilkerson. All members voted yes to adjourn.